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H.C. PARK & ASSOCIATES, PLC			GARY, ERIKA A	
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SUITE 7500			2617	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@PARK-LAW.COM

## Office Action Summary

**Application No.**

10/824,928

**Applicant(s)**

PARK ET AL.

**Examiner**

Erika A. Gary

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/15/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 250-313 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 250-313 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 283 is objected to because of the following informalities: on line 4, "BT" should be "BTS". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 250-257, 259, 261-262, 265-267, 269, 271-272, 275-279, 281, 283-292, 294, 296-297, 300-301, 303-306, 308, and 310-311 are rejected under 35 U.S.C. 102(e) as being anticipated by **Korpela (5,946,634)**.

Regarding claims 250, 265, 284, and 300, Korpela discloses a method and apparatus for interfacing among a terminal, a radio network and a core network connected to the radio network, wherein the terminal has a hybrid operating type being possible to be set as either a synchronous operating type or an asynchronous operating type, said method comprising the steps of: a) providing the terminal with a message including a core network operating type information representing the operating type of

the core network; and b) recognizing, at the terminal, the operating type of the core network on the basis of the core network operating type information contained in the received message, to thereby allow the terminal to operate according to the recognized operating type of the core network (see Fig. 9, steps 1202-1206; col. 3, line 66 to col. 4, line 3; col. 6, lines 29-41).

Regarding claims 252, 266, 286, and 301, Korpela discloses extracting the core network operating type information from the received message; and setting an operating type of the terminal to one of the synchronous operating type and the asynchronous operating type on the basis of the recognized operating type of the core network (col. 3, line 66 to col. 4, line 3; col. 6, lines 29-41).

Regarding claims 251, 267, 269, and 285, Korpela further discloses storing a core network operating type information (storage as code file, step 1222, Fig. 10), and reading the core network operating type information stored on a storage device during a time period of initialization of the radio network (registering on network and proceeding using new protocols, steps 1230, 1232 of Fig. 12) and wherein the storage device includes a memory for storing the operating type of the core network (feature of step 1304 of Fig. 11).

Regarding claims 253-255, 275-278, 288-291, and 303-305, Korpela further teaches inserting the core network operating type information into the message and transmitting the message through a predetermined channel (see 102 of Fig. 8) and wherein the predetermined channel is a synchronous channel or a broadcast control

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channel (mobile terminal receives broadcast signals as transmitted on the broadcast control channel, col. 6, lines 14-41 and col. 2, line 66 to col. 3, line 5).

Regarding claims 257, 279, 292, and 306, Korpela further discloses wherein the core network operating type information is periodically inserted into the predetermined location of the message to be transmitted to the terminal (see col. 6, lines 15-24).

Regarding claims 259, 281, 294, and 208, Korpela discloses the core network operating type information includes a global system for mobile communications application part (GSM-MAP) information representing an asynchronous operating type core network (col. 6: lines 14-41).

Regarding claims 261, 262, 271, 272, 296, 297, 310, and 311, Korpela further discloses the message includes a master information block and a system information message (col. 6, lines 14-41).

Regarding claim 283, Korpela discloses the radio network includes at least a base transceiver station (BTS) and a base station controller (BSC) for controlling the BTS (col. 1: lines 19-25).

Regarding claim 287, Korpela discloses selecting a code division multiple access (CDMA) system; acquiring a pilot channel; and acquiring a synchronous channel (col. 3, line 66 to col. 4, line 3; col. 6, lines 29-41).

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 258, 260, 280, 282, 293, 295, 307, and 309 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Korpela (5,946,634)** in view of **Lupien et al. (6,389,008)**.

Regarding claims 258, 260, 280, 282, 293, 295, 307, and 309, Korpela teaches the core network operating type information includes a global system for mobile communications application (GSM-MP) information representing an asynchronous operating type core network [col. 6: lines 14-41]. Korpela fails to specifically disclose that the core network type information includes an ANSI-41 information representing a synchronous operating type core network. However, Lupien teaches this limitation.

Lupien discloses an integrated radio communication network, which integrates an ANSI-41 circuit switched network and a GPRS packet data network (see title, abstract), wherein the amount of integration is kept as low as possible by maintaining the integrity of each network function and node on both the GPRS side of the interface and the ANSI-41 side (see col. 4, lines 42-63, col. 16, lines 35-51), and includes an ANSI-41 core network (see col. 12, lines 3-21).

It would therefore have been obvious to one of ordinary skill in the art to implement Korpela's multiple protocol communication system wherein a core network

operates according to ANSI-41 protocols in order to allow mobile subscribers to access both voice/circuit switched and packet switched services in a flexible manner as taught by Lupien.

6. Claims 263, 264, 273, 274, 298, 299, 312, and 313 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela in view of **3GPP TS 25.331 V3.0.0 (1999-10)**, hereinafter referred to as (the Specification).

Regarding claims 263, 264, 273, 274, 298, 299, 312, and 313, Korpela fails to explicitly disclose wherein the message is represented by a table as set forth in the claims.

The Specification teaches the use of broadcast of system information to broadcast system information elements that are of the same nature in a system information block (see page 24, paragraphs 8.1.1.1-8.1.1.2) and the system information messages contains elements as set forth in the table representing the message (see page 148-163).

It would therefore have been obvious to one of ordinary skill in the art to provide for the use of system information block or master information messages to identify core networks available for call connections as taught by the Specification in order to standardize and effectively ensure connection parameters being available for desired communications.

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7. Claims 268, 270, and 302 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Korpela (5,946,634) in view of Well Known Prior Art (Official Notice)**.

Regarding claims 268, 270, and 302, Korpela fails to specifically teach that the storage device includes a dip-switch for designating the operating type of the core network and the memory is a read only memory (ROM).

The use of storage devices including a dip-switch or ROM is very well known in the art and as such examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to provide a storage or memory device including a dip-switch or ROM in the system of Korpela in order to control the executing of codes from the storage locations for effecting desired communications.

### ***Double Patenting***

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.



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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 250-313 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the pending claims of copending Application No. 10/825,281. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 250-313 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the pending claims of copending Application No. 10/824,908. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 250-313 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the pending claims of copending Application No. 10/824,909. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 250-313 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the pending claims of copending Application No. 10/824,891. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 250-313 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the pending claims of copending Application No. 10/824,927. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 250-313 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the pending claims of copending Application No. 11/227,684. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 250-313 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the pending claims of copending Application No. 11/457,940. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 250-313 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,203,514. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the patent.

Claims 250-313 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-102 of U.S. Patent No. 6,741,868. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broadly encompassed by the claims of the patent.

Claims 250-313 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-61 of U.S. Patent No. 7,110,788. Although the conflicting claims are not identical, they are not patentably distinct from

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each other because the claims of the instant application are broadly encompassed by the claims of the patent.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAG  
January 29, 2008

  
ERIK A. GARY  
PRIMARY EXAMINER